



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
KIGHT, et al.

:  
: Art Unit: 3625

Serial No.: 09/540,011

:  
: Examiner: Y. Garg

Filed: March 31, 2000

For: BILL PAYMENT SYSTEM AND METHOD WITH A MASTER MERCHANT  
DATABASE

**REPLY BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 24, 2005

Sir:

This Reply Brief is filed further to the Appeal Brief filed on November 24, 2004, and in response to the Examiner's Answer issued on January 27, 2005.

**Grounds for rejection**

Under Rule 41.39, new grounds for rejection must be designated as such.

On page 5 of the Examiner's Answer, it is stated that "the following ground(s) of rejection are applicable to the appealed claims: The grounds of rejection are reproduced below from the Final Official Action and are provided here for convenience of both the Applicant and the Board of Appeals Quote".

Since there is no designation of "new grounds for rejection" in the "Claim Rejections-35 USC §101" and "Claim Rejections-35USC §103" presented on pages 5-11, it is understood that the Examiner has maintained the previously presented grounds for rejection.

Likewise, in the “Response to Argument” presented on pages 11-26 of the Examiner’s Answer, there is no indication of a presentation of any new grounds for rejection.

Accordingly, to the extent any new grounds of rejection are presented in the Examiner’s Answer, objection is hereby made to consideration of such new grounds for rejection in this appeal.

**Objection to Grouping of Claims**

On page 4, Section (7) of the Examiner’s Answer, a grouping of claims is presented by the Examiner. On page 16 of the Examiner’s Answer, it is stated that “Note: Since the Applicant’s brief does not include a statement that this grouping of claims [i.e., claims 37, 38, 42, 43, 47 and 48] does not stand or fall together and reasons in support thereof, it is a concession by the Applicant that, if the ground of rejection were sustained as to any one of the rejected claims, it will be equally applicable to all of them. See 37 CFR §1.192(c)(7). Keeping in line with this 37 CFR §1.192(c)(7), the Examiner chooses the broadest claim 37 to argue as why it is obvious under 35 USC §103(a) over Lawlor, et al., and further in view of White, et al.”

Objection is hereby made to the Examiner’s grouping of the claims.

In accordance with the current rules of practice before the BPAI, revised effective September 13, 2004, a grouping of claims is no longer required. In lieu thereof, under Rule 41.37, arguments relating to individual claims are presented in the Appeal Brief under a sub-heading identifying that claim. Thus, as indicated on page 9, each of claims 37 and 38 is argued individually on pages 9-11 of the Appeal Brief; and as indicated on page 11, each of claims 37, 38, 42, 43, 47 and 48 is

argued individually on pages 11-16 of the Appeal Brief; and as indicated on page 17, each of claims 37, 38, 42, 43, 47 and 48 is argued individually on page 17 of the Appeal Brief; and as indicated on page 20, each of claims 37, 38, 42, 43, 47 and 48 is argued individually on pages 20-23 of the Appeal Brief; and as indicated on page 24 of the Appeal Brief, each of claims 37, 38, 42, 43, 47 and 48 is argued individually on page 24 of the Appeal Brief.

Accordingly, each of the claims is argued individually and identified as such in a sub-heading, in accordance with Rule 41.37.

It is perhaps worthwhile noting that, for example, in traversing the rejection under 35 USC §101, while some of the presented arguments relate to each of claims 37 and 38, other of the presented arguments relate only to claim 38 (see, for example, page 10). Similarly, in addressing the prima facie basis for the obviousness rejection under 35 USC §103(a), while certain presented arguments relate to each of the claims, other arguments relate to only one or some subset of the rejected claims (see pages 14-16). Indeed, on pages 20-23, various features of each of the rejected claims which are believed to distinguish over the applied prior art, are explicitly referenced as not suggested in the applied combination of art.

Accordingly, it is respectfully submitted that each of the rejected claims stands and falls alone in accordance with the present rules of practice.

#### **The Examiner's Response to Argument**

In view of the above, the following is directed to the Examiner's Response to Argument, as set forth on pages 11-26 of the Examiner's Answer.

In the Appeal Brief, grounds are presented with detailed support for concluding that the Examiner has failed to establish a prima facie basis for the rejection of any of the pending claims in this application.

It is also argued that the Examiner has failed to establish the requisite motivation for the proposed combination and modifications to Lawlor, has failed to identify prior art which teaches or suggests the claimed invention and has at best rejected the claims on the basis of an improper hindsight reconstruction based on the present application's own teachings.

In summary, objective evidence is presented which supports a conclusion that the Examiner has construed the references in a manner inconsistent with their own teaching, misconstrued the present claims and ignored express claim limitations.

While the Examiner now presents new arguments, and points to sections of Lawlor's disclosure not previously cited in support of the rejection of claim 37, as will be detailed below these new arguments and newly cited sections of Lawlor do not change what in fact is taught by Lawlor and expressly recited in the pending claims as properly construed. Accordingly, the Examiner's reliance on new arguments and newly identified sections of Lawlor does not cure the defects in the final rejection.

Rather, as will be detailed below, not only is each and every feature of the pending claims identified on pages 20-23 of the Appeal Brief, neither taught nor suggested in the applied prior art, whether taken alone or in combination, the Examiner continues to assert a construction of the applied prior art that is inconsistent with its express teachings, to misconstrue the claims in view of the evidence of record, and to ignore express limitations recited in each of the pending claims.

**1.) The Rejection of Claims 37-38 Under 35 USC §101**

The Examiner's position regarding the state of the law has been previously addressed in the Appeal Brief, and accordingly is not further addressed herein to avoid unnecessary redundancy.

Turning to the Examiner's Response to Arguments on pages 14-16, which is directed to the traversal arguments presented on pages 10 and 11 of the Appeal Brief.

In this regard, it is argued in the Appeal Brief that to the extent the claims must recite a connection "to a computer or technology", both claims 37 and 38 require a database, the searching of that database to determine if certain information is included in that database, and adding information to that database if it is determined based on the search, that it is not included in the database. It was further argued that as defined in a dictionary commonly used by those skilled in the art (i.e., the Microsoft Computer Dictionary), a "database" is "a file composed of records, each containing fields together with set-up operations for searching, sorting, recombining, or other functions".

Hence, it is respectfully submitted that the recital of a database in the present claims, as would be understood by those skilled in the relevant area of art, necessarily places claims 37 and 38 within the technological arts, and indeed connects claim 37 and claim 38 to a computer.

However, the Examiner asserts that construing "database" on the basis of a general dictionary published over forty years ago (i.e., a 1962 Webster Dictionary) is proper "because the claims as recited did not inherently require the use of the computers as they can be done manually, as analyzed above and in keeping in line with the meaning of "database" ... defined in the 1962 Webster Dictionary."

The Examiner's argument is circular in nature and hence fails to address the relevant issue, which is how a claim should be properly construed. It is respectfully submitted that in presenting oral arguments on February 8, 2005 in *Phillips v. AWH Corp.* Fed. Cir., no. 03-1269, Solicitor John Whealan, as reported by the AIPLA, when questioned about the use of dictionaries by Examiners, answered that Examiners may use dictionaries, but they usually do not do so. Examiners and Applicants are persons of skill in the art whose starting point is the specification, not dictionaries. As reported, he further indicated that the suggestion of using dictionaries probably grew out of a casual use of the term "ordinary meaning", but the correct test is "the ordinary meaning of the term to a person of skill in the art at the time the invention was made in the context of the words of the patent." He further indicated that this point is made by the concurring opinion in *Super Guide Corp. v. Direct TV Enterprises*, 358 F. 3d 870, 69 USPQ 2d 1865 (Fed. Cir. 2004). Solicitor Whealan went on to state that, there well may be occasions where it is necessary for a judge to put himself in the shoes of a person of ordinary skill in the art, in which case a specialized dictionary may be necessary.

Accordingly, the Examiner's position appears to be inconsistent with that of the Patent Office itself, as well as that reflected in the decisions of the Court of Appeals for the Federal Circuit.

The arguments presented on page 10 of the Appeal Brief address the issue at hand, and not issues under 35 USC §112, first paragraph, since no such issues are presented in this case. Rather, consistent with Solicitor Whealan's position before the CAFC, the undersigned respectfully submits that the claims should be construed in accordance with their meaning to those of reasonable skill in the art at the time of the invention, and that both the intrinsic evidence (e.g., the specification)

and the appropriate extrinsic evidence (i.e. an industry specific dictionary, such as the Microsoft Computer Dictionary) provide strong evidence that both claim 37 and claim 38 meet the mandates of 35 USC §101.

Claim 38 further requires the processing of a request to pay a bill received via a network in order to generate an instruction to pay the bill.

Here again, it is argued in the Appeal Brief, that the recited processing would be understood by those skilled in the art to mean “the manipulation of data within a computer system” as defined in the above-referenced Microsoft Computer Dictionary.

However, the Examiner chooses instead to construe “processing” based on a definition contained in the cited 1962 Webster Dictionary.

The Examiner also asserts that the recited “network” could be “the US Postal network, using a courier service such a UPS to deliver the brand promotions through its network of carriers, etc.”.

The Examiner’s position with respect to the meaning of “network” is simply not understood. It is first respectfully submitted that the Examiner has cited no authority for a “US Postal network” which uses a courier service such as UPS to make deliveries. Indeed the Examiner does not even cite the 1962 Webster Dictionary in support of this asserted position.

While not addressed in the Appeal Brief, it is perhaps worth noting that Microsoft defines “network” as “a group of computers and associated devices that are connected by communications facilities”.

In further support of the meaning of these terms to those skilled in the art, Barrons Dictionary of Computer Terms (3rd edition, copyright 1992) defines a

“database” to be “a collection of data stored on a computer storage medium, such as a disk”, and a “network” as “a set of computers connected together”.

Accordingly, while the Examiner asserts that “the claims as recited do not inherently require the use of computers as they can be done manually, as analyzed above”, the record evidences that the plain meaning of the claim language to one skilled in the art clearly places the invention within the technological arts and in full compliance with 35 USC §101, whether or not the test for compliance is that of *Ex parte Bowman*.

## **2.) The Rejection of Claims 37, 38, 42, 43, 47 and 48 under 35 USC §103(a)**

As discussed above, since there is no requirement under the present rules to include a grouping the claims in the Appeal Brief, and the Appeal Brief presents arguments supporting the patentability of each of the rejected claims individually, each of the rejected claims stands and falls alone, the Examiner’s contention to the contrary notwithstanding.

### **INDEPENDENT CLAIMS 37 (ARGUED), 42 (ARGUED) AND 47 (ARGUED)**

**Claim 37** requires receiving (i) a list identifying merchants from a consumer, (ii) searching a master merchant file database that includes information associated with merchants that has been received from other consumers, to determine if information associated with one of the identified merchants is included in the master merchant file database, and (iii) adding information associated with the one identified merchant to the master merchant file database if information associated with the one identified merchant is determined not to be included in the master merchant file database.



**Claim 42** requires (i) a network interface configured to receive a list of merchants from a consumer, (ii) a storage device configured to store a master merchant file database including merchants identified by other consumers, and (iii) a processor configured (a) to search the master merchant file database to determine if each of the merchants on the received list is included in the master merchant file database and (b) to add the merchant from the list to the master merchant file database, if that merchant is determined to not be included in the master merchant file database.

**Claim 47** requires computer programming readable to cause a computer to operate so as to (i) receive a list identifying merchants from a consumer (ii) search a master merchant file database including merchants identified by other consumers to determine if each of the identified merchants is included in the master merchant file database, and (iii) add the identified merchant to the master merchant file database if that merchant is determined to not be included in the master merchant file database.

Thus, each of the independent **claims 37, 42 and 48** requires searching, for a merchant identified by one consumer, in a master merchant file database of merchants identified by other consumers and, if not found in the database, adding the merchant identified by the one consumer to the database.

On page 17 of the Response to arguments, the Examiner contends that Lawlor's description in column 10, line 66, through column 11, line 15, makes clear that Lawlor discloses such a database.

However, the referenced description in the paragraph bridging columns 10 and 11 discloses nothing of the sort. More particularly, what is disclosed in the relied upon disclosure is the setting-up of a payor specific list of payees. Thus, even

if such a list could be construed to correspond to a database (which is not admitted), it is respectfully submitted what would at best be disclosed is a file database of merchants identified by the one consumer (not by other consumers).

Indeed, the referenced disclosure in columns 10-11 is entirely consistent with the detailed description of Lawlor's operations in other sections of the applied patent. For example, in column 33, lines 3-7, Lawlor discloses that "When bill payment is selected from the main menu of services the user's ...terminal displays a unique list of payees (preferably specified beforehand by the user in response to a questionnaire or the like)." In column 42, line 68, through column 43, line 25, Lawlor discloses that "In the preferred embodiment, the user is asked through direct mailings (or in certain cases by telephone) to provide, ahead of time, the names, addresses, account numbers, and other information specifying payees he wishes to pay bills to electronically...Such user specific payee information is stored by central computer 52 on a mass storage device 84 and is accessed by FIG. 14A block 516 to display a list of payees. If desired, the initial listing displayed by block 516 may constitute a listing of categories of payees rather than individual payees (although in the preferred embodiment an actual listing of payees is displayed initially)." As described in column 33, lines 7-19, this user specific payee information stored by central computer 52 on a mass storage device 84 is obtained from the user account file during payment processing.

While, in column 33, lines 7-19, Lawlor does make reference to obtaining certain information from payee account files in processing payment requests, the Examiner has not identified any disclosure within Lawlor to suggest that the Lawlor referenced payee files are other than files for those payees previously identified by the particular user or that Lawlor's payee files reside in a master payee file database

having similar files for payees previously identified by other users. It is respectfully submitted that a conclusion that Lawlor's described payee files reside in a master payee file database can only be based on pure speculation or an improper hindsight reconstruction of the present invention based on the present application's own disclosure.

Furthermore, the Examiner has failed to identify any disclosure within Lawlor to suggest that Lawlor's payee files could or should advantageously be searched for a payee identified by a user to determine if the payee exists in the payee files, and it is respectfully submitted that Lawlor lacks any such disclosure. Perhaps this is because, consistent with Lawlor's other teachings, Lawlor's unstated intention was to store a separate set of payee files for each user, with the information in each set of payee files being for only those payees previously identified by the applicable user. If so, there would be no need for Lawlor to perform such a search.

Thus, while the Examiner logically argues in the Answer that "the information collected about the different merchants from the different customers has to be stored and organized" to use and process it to implement bill paying features, this does not mean that the information collected about the different merchants from the different customers has to be stored and organized in a master merchant file database that includes merchants identified by other users. In any event, one can only speculate, because Lawlor does not provide any specific relevant disclosure in this regard.

On pages 18-20 of the Examiner's Answer numerous sections of Lawlor are quoted in support of the conclusion that Lawlor teaches that the information collected about the different merchants from the different customers is stored and organized in a master merchant file database that includes merchants identified by

other users.

However, a careful review of that which is quoted indicates that the relied upon passages do not contradict the express teaching of Lawlor cited above relating to the payer specific list of payees or the payee files, and hence do not support the Examiner's conclusion.

The disclosure quoted from column 6, lines 37-44, of Lawlor, has nothing whatsoever to do with a master merchant file database that includes merchants identified by other users.

The highlighted passage in the disclosure quoted from column 7, lines 5-24, of Lawlor, relates to a database of "transactions" (e.g. payments) requested by a user, and has nothing whatsoever to do with a master merchant file database that includes merchants identified by other users.

The highlighted passage in the disclosure quoted from column 7, lines 49-63, of Lawlor, relates to transaction information which the service provider (represented by central computer 52) provides to the user's bank, and also has nothing whatsoever to do with a master merchant file database that includes merchants identified by other users.

The highlighted passage in the disclosure quoted from column 10, lines 44-53, of Lawlor, relates to the payer (i.e. user) specific list of payees, and hence also has nothing whatsoever to do with a master merchant file database that includes merchants identified by other users.

While it is acknowledged that the CheckFree referred to by Lawlor would appear to be the same CheckFree which is real party in interest in this appeal, the relevance of the disclosure quoted from column 3, lines 25-40 of Lawlor is not understood. In any event, the quoted disclosure has nothing whatsoever to do with

a master merchant file database that includes merchants identified by other users.

As understood, the Examiner acknowledges that Lawlor fails to disclose any technique for updating Lawlor's user specific list of payees or Lawlor's payee files based on a payee identified by a user.

While the undersigned acknowledges that Lawlor does not provide any specific relevant disclosure in this regard, what is suggested by Lawlor's disclosure (see column 42, line 68, through column 43, line 25) is that the user would provide, ahead of time (by mail or telephone), the name, address, account number, and other information of any newly specified payee he wishes to pay bills to electronically, and this information would be added to the previously stored set of payee files for that user.

In any event, as understood, the Examiner proposes to modify Lawlor, based on White, (i) to search for a merchant identified by one consumer, through a master merchant file database that includes information associated with merchants received from other consumers, to determine if information associated with the merchant identified by the one consumer is in the master merchant file database, and (ii) to add information associated with the merchant identified by the one consumer to such a master merchant file database, if information associated with that merchant is determined not to be included in the master merchant file database.

It is perhaps worthwhile to reiterate here that, as discussed in detail above, Lawlor fails to disclose a database that includes information associated with merchants that has been received from other consumers.

White discloses, in the third full paragraph of page 4, a user specific vendor file that includes payees identified by the particular user and, as discussed in the Appeal Brief, like Lawlor fails to disclose a database that includes information

associated with merchants that has been received from other consumers.

.Accordingly White, and the combination of Lawlor and White, necessary lack any suggestion of (i) a search for a merchant identified by one consumer, through a master merchant file database that includes information associated with merchants received from other consumers, to determine if information associated with the merchant identified by the one consumer is in the master merchant file database, or (ii) adding information associated with the merchant identified by the one consumer to such a master merchant file database, if information associated with that merchant is determined not to be included in the master merchant file database.

As also disclosed by White in the third full paragraph of page 4, whenever the user is executing the bills payable function and enters a payee's name, the software determines if that payee name is already stored in the user specific vendor file. If not, the user can go to a special add-payee interface and manually enter (i.e. input) payee information for storage in the user specific vendor file. Thereafter, the user returns to the bills payable function.

Thus Lawlor modified based on White at best suggests searching, for a merchant identified by one consumer, in a user specific merchant file of merchants identified by the one consumer (not a master merchant file database of merchants identified by other consumers). If not found in the database, the consumer is presented with a vendor add screen so that the consumer can again identify the merchant, and the system then adds this later identified merchant to the user specific merchant file.

Contrary to the Examiner's notation (in the first paragraph on page 21 of the Examiner's Answer) that no traversal of the proposal to modify Lawlor based on the teaching of White was presented in the Appeal Brief, the combination and proposed

modifications are traversed on pages 16-17 of the Appeal Brief. In this regard, issues are raised regarding the motivation for the combination and proposed modifications, and the effect of the proposed modifications on principles of Lawlor's operation.

On page 22 of the Examiner's Answer, a passage from page 4, lines 21-32, is highlighted in support of the Examiner's contention that modifying Lawlor in view of the teachings of White results in the claimed invention.

However, the highlighted passage relates to a user specific vendor file of vendors identified by the one user and lacks any suggestion of a master merchant file database of merchants identified by other users.

With regard to the Examiner's inquiry as to "how one can add payees/merchants manually?", attention is respectfully directed to the third full paragraph on page 4 of White which discloses "the system immediately displays a vendor add screen. When you [the user] finish entering the appropriate data, the system returns you to the bills payable function." Thus, White explicitly discloses that the vendor is added by the user manually entering (i.e. inputting) the payee/merchant information.

This in turn means that White's processor or software does not add the vendor to the user specific vendor file based on the information identifying the vendor received from the user prior to the search of the user specific vendor file. Rather, White requires that information identifying a vendor be received from the user, and the user specific vendor file be searched based on this information to determine if the identified vendor is in the user specific vendor file. If not, information identifying the vendor must again be received from the user, and the user specific vendor file is updated to add this later received information identifying the vendor.

Therefore, not only does the combination of Lawlor and White lack (i) a

master merchant file database that includes information associated with merchants that has been received from other consumers (ii) searching such a master merchant file database to determine if information associated with one of the identified merchants in a list identifying merchants received from a consumer, is included in the master merchant file database, and (iii) adding information associated with the one identified merchant to such a master merchant file database if information associated with the one identified merchant is determined not to be included in the master merchant file database (as required by each of **claims 37, 42, and 47**), it also lacks (iv) adding information associated with a merchant identified in the received list identifying merchants that was searched (as also required by these claims).

In regard to this later point, this is particularly apparent with respect to **claims 42 and 47**.

More particularly, in **claim 42** the merchant from the list [received prior to the search] must be added to the master merchant file database, if that merchant is determined to not be included in the master merchant file database.

In **claim 47** the identified merchant [i.e. the merchant identified in the list received from consumer prior to the search] must be added to the master merchant file database if that merchant is determined to not be included in the master merchant file database.

With regard to the motivation for the combination of Lawlor and White, and the proposed modification of Lawlor in view of White, the Examiner asserts that this would make the Lawlor system “more convenient, efficient and faster”.

However as discussed above, Lawlor at least suggests that the user mails or



telephones in additional payees, and therefore is only required to make a single input to add a payee. Furthermore, Lawlor presumably concluded that there was no need for the central computer to perform a search. White on the other hand requires that the user enter a bill payments function, input a vendor name, get a warning, be presented with an add vendor screen to add the vendor and then be returned to the bill payments function. White also requires that the central computer search the user specific payee file. Thus, it is respectfully submitted that the conclusion that the proposed modification to Lawlor would make Lawlor "more convenient, efficient and faster" is at best speculative.

**DEPENDENT CLAIMS 38 (ARGUED), 43 (ARGUED) AND 48 (ARGUED)**

**Claim 38** requires (i) receiving, via a network, a request to pay a bill associated with a merchant on behalf of the consumer, (ii) searching the master merchant file database to determine if information associated with the merchant is included in the master merchant file database, (iii) adding information associated with the merchant to the master merchant file database if information associated with the merchant is determined to not be included in the master merchant file database, and (iv) processing the request to generate an instruction to pay the bill.

**Claim 43** requires that the network interface be further configured to receive a request to pay a bill associated with another merchant on behalf of the consumer, and that the processor be further configured to (i) search the master merchant file database to determine if the other merchant is included in the master merchant file database, (ii) add the other merchant to the master merchant file database if the other merchant is determined to not be included in the master merchant file database, and (iii) process the request to generate an instruction to pay the bill.

**Claim 48** further requires that the programming cause the computer to (i) receive, via a network, a request to pay a bill associated with another merchant on behalf of the consumer, (ii) search the master merchant file database to determine if the other merchant is included in the master merchant file database, (iii) add the other merchant to the master merchant file database if the other merchant is not included in the master merchant file database, and (iv) process the request to generate an instruction to pay the bill.

Thus, each of the independent **claims 38, 43 and 48** requires searching for a merchant associated with a request to pay a bill on behalf of the consumer in a master merchant file database of merchants identified by other consumers and, if not found in the database, adding the merchant identified by the one consumer to the database.

While these claims are distinguishable for reasons similar to those discussed above with reference to their respective parent claims, another feature further distinguishing these claims over the applied prior art.

More particularly, each of **claims 38, 43 and 48** requires the capability to perform the search and addition, if appropriate, with respect to both a merchant identified in a list of merchants received from the consumer (e.g. as part of a consumer's initial registration process) and a merchant associated with a request to make a payment on behalf of the consumer (e.g. as part of a bill payment process). It is respectfully submitted that this additional aspect of the invention of **claims 38, 43 and 48** has been effectively ignored in the final Official Action and the Examiner's Answer.

In this regard, Lawlor, which as understood the Examiner now acknowledges,

lacks any suggestion of searching or adding merchants based on a search, and explicitly teaches only that merchants are identified during a registration process using hardcopy mail or telephone.

White discloses searching and adding a merchant based on such a search to a merchant file including only information on merchants received only from the applicable user. However, as best understood White is only capable of performing this process for a merchant associated with a request to make a payment on behalf of the consumer (e.g. as part of White's bill payment process).

In summary, it is again respectfully submitted that the Examiner (i) has failed to establish a prima facie case for the rejection of the pending claims, (ii) has proposed to combine and modify the applied prior art in a manner which is unmotivated, (iii) has failed to apply art which teaches or suggests the claimed invention, and (iv) has either attempted to improperly reconstruct the invention using the inventors' own disclosure or relied on pure speculation in rejecting the claims. Accordingly, the rejection of the pending claims is in error, and reversal is in order and is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with

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Respectfully submitted,

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